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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

BOB STUMP - Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER-SMITH

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Arizona Corporation Commission

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IN THE MATTER OF THE APPLICATION OF
ARIZONA WATER COMPANY TO EXTEND
ITS CERTIFICATE OF CONVENIENCE AND
NECESSITY IN CASA GRANDE, PINAL
COUNTY, ARIZONA.

DOCKET NO. W-01445A-03-0559

PROCEDURAL ORDER**BY THE COMMISSION:**

ORIGINAL

On April 6, 2004, Decision No. 66893 was issued in this docket. Decision No. 66893 conditionally granted an application filed on August 12, 2003 by Arizona Water Company ("Arizona Water" or "AWC") for an extension of its existing Certificate of Convenience and Necessity ("CC&N") in Pinal County, Arizona.

Decision No. 66893 placed two conditions on the approval of Arizona Water's August 12, 2003 application. Arizona Water was ordered to file: (1) a copy of the Developers' Certificate of Assured Water Supply ("CAWS") for both the Post Ranch development and the Florence Country Estates development with the Arizona Corporation Commission ("Commission") within 365 days of the Decision; and (2) a main extension agreement associated with the extension area within 365 days of the Decision.

On July 30, 2007, Decision No. 69722 was issued finding that Arizona Water was not able to comply with the time periods established in Decision No. 66893 because the developer of a portion of the extension area withdrew its Arizona Department of Water Resources ("ADWR") CAWS application. However, the Commission concluded that the issuance of the ADWR Analysis of Assured Water Supply satisfied the objective of the condition in Decision No. 66893 for submission of a CAWS for the Florence Country Estates development and that adequate physical water supplies exist for the development. Decision No. 69722 therefore found that, for purposes of compliance, the conditions placed on Arizona Water's CC&N extension in Decision No. 66893 had been fulfilled.

1 Decision No. 69722 also remanded the case to the Hearing Division for further proceedings regarding
2 whether AWC should continue to hold a CC&N for the property owned by intervenor Cornman
3 Tweedy 560 LLC ("Cornman Tweedy").

4 Following the submission of additional testimony and briefing by the parties, a Recommended
5 Order on Remand was issued by the Hearing Division on November 29, 2010. The Recommended
6 Order was discussed during the Commission's December 14, 2010 Open Meeting, and again during
7 the February 1, 2011 Open Meeting. At the February 1, 2011 Open Meeting, the Commission voted
8 to send the matter back to the Hearing Division for further proceedings to determine "whether a
9 public service corporation, like Arizona Water, in this water challenged area and under the
10 circumstances presented in this case, is providing reasonable service if it is not able or not willing to
11 provide integrated water and wastewater services."

12 In the intervening period, procedural conferences have been held, discovery disputes have
13 been resolved, and a number of filings have been made regarding various matters.

14 On January 10, 2013, a procedural conference was conducted as scheduled. At the procedural
15 conference, Cornman Tweedy's Motion for Protective Order was granted and the parties were
16 directed to submit a proposed procedural schedule for processing the case.

17 On February 10, 2014, Cornman Tweedy and AWC filed a Notice of Stipulation Regarding
18 Procedural Schedule.

19 On February 24, 2014, a Procedural Order was issued and the proposed schedule was adopted.
20 The Procedural Order also scheduled a hearing to commence on August 25, 2014.

21 On July 10, 2014, Cornman Tweedy filed a Request for Short Continuance of Hearing Date,
22 and indicated that counsel for AWC had no objection to a short continuance.

23 On July 14, 2014, a Procedural Order was issued continuing the hearing to September 4,
24 2014.

25 On July 18, 2014, Cornman Tweedy filed the Rebuttal Testimony of Stephen Soriano, Ernest
26 G. Johnson, and Fred Goldman.

27 On July 25, 2014, Arizona Water filed a Notice of Deposition of Ernest G. Johnson Sr.

28 On July 29, 2014, Arizona Water filed a Motion to Strike Pre-Filed Rebuttal Testimony of

Ernest G. Johnson and to Preclude his Testimony at Hearing.

On July 31, 2014, Cornman Tweedy filed Notices of Deposition for Rita P. Maguire and Paul Walker.

On August 1, 2014, Arizona Water filed a First Amended Notice of Deposition of Ernest G. Johnson.

On August 11, 2014, Arizona Water filed a Supplement to Motion to Strike Pre-Filed Rebuttal Testimony of Ernest G. Johnson and to Preclude his Testimony at Hearing.

To date, no response has been filed to Arizona Water's Motion to Strike and Preclude his Testimony at Hearing.

IT IS THEREFORE ORDERED that **Cornman Tweedy and Staff shall file a Response to Arizona Water's Motion to Strike and Preclude Testimony by no later than August 15, 2014.**

IT IS FURTHER ORDERED that, **if necessary, Arizona Water shall file a Reply to those Responses by August 20, 2014.**

IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 12th day of August, 2014.



DWIGHT D. NODES
ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE


Copies of the foregoing mailed/delivered
this 12th day of August, 2014, to:

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